

**MEMORANDUM**

TO: All Attorneys filing Motions for Relief from Stay in all Chapters under the Bankruptcy Code

FROM: Pat E. Morgenstern-Clarren, United States Bankruptcy Judge

DATE: August 24, 1998

RE: Motions for Relief from Stay

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In recent months, an increasing number of Motions for Relief from Stay have been filed which do not comply with Rule 4001-1 of the Local Rules of Bankruptcy Procedure for the Northern District of Ohio. The majority of problems fall into these categories:

1. The loan, security agreement, and perfection documents are not referred to in the motion and are not attached.
2. The loan, security agreement, and perfection documents are referred to in the motion as being attached, but they are missing.
3. The motion states that movant is a secured creditor under the documents attached, but the documents are in the name of a third party creditor and the transfer from that creditor to movant is not readily apparent. In many cases, the documents appear to have been transferred, but the transfer information is illegible.
4. The fair market value of the property is not stated.

Motions that do not comply with the Local Rule may be adjourned for compliance even in the absence of a response from the debtor. Your cooperation in following the Local Rule will permit these motions to go forward as scheduled and will save time for everyone.

Thank you.